Montana State Legislature

2013 Session

Additional Documents include:

***Business Report**
***Roll Call - attendance**
***Standing Committee Reports,**
***Table Bills, Fiscal reports etc.**
***Roll Call Votes**
***Witness Statements**
***Informational items**
***Visitor Registrations**
***Any other Documents;**
~Petitions if any?
~Any and all material handed in after the meeting end.

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BUSINESS REPORT

MONTANA SENATE
63rd LEGISLATURE - REGULAR SESSION

SENATE FISH AND GAME COMMITTEE

Date: Tuesday, February 12, 2013
Place: Capitol

Time: 3:00 PM
Room: 422

BILLS and RESOLUTIONS HEARD:

HB 26 - Allow lighted nock on arrows while big game hunting - Rep. Ted Washburn

SB 250 - Requirements for good neighbor laws, FWP acquisitions - Sen. Debby Barrett

SB 249 - Revise laws related to wildlife management - Sen. Debby Barrett

EXECUTIVE ACTION TAKEN:

Comments:

SEN. John Brenden, Chair

MONTANA STATE SENATE
Roll Call
FISH AND GAME COMMITTEE

DATE: 2-12-13

NAME	PRESENT	ABSENT/ EXCUSED
SENATOR JOHN BRENDEN, CHAIRMAN	✓	
SENATOR RICK RIPLEY, VICE CHAIRMAN	✓	
SENATOR DEBBY BARRETT	✓	
SENATOR TOM FACEY	✓	
SENATOR JENNIFER FIELDER	✓	
SENATOR BRAD HAMLETT		EXCUSED
SENATOR LARRY JENT		EXCUSED
SENATOR JIM PETERSON	✓	
SENATOR FRED THOMAS	✓	
SENATOR KENDALL VAN DYK		EXCUSED

MONTANA STATE SENATE
Visitors Register
SENATE FISH AND GAME COMMITTEE

Tuesday, February 12, 2013
HB 26 - Allow lighted nock on arrows while big game hunting
Sponsor: **Rep. Ted Washburn**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Jerry Davis	MBA		X	
Richard Solum	Bowhunter - Self		X	
CHARLIE JOHNSON	SELF BOWHUNTER		X	
Charles Culver	Self Bowhunter		X	
Marlon Clapham	Bowhunter Self		X	
George Pauley	FWP			X
Garnett Rope	self			
Paul Elko	Self	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE FISH AND GAME COMMITTEE

Tuesday, February 12, 2013
SB 250 - Requirements for good neighbor laws, FWP acquisitions
Sponsor: **Sen. Debby Barrett**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
John Borgtieden	RCSA-MSA-LRG		✓	
Paul Silver	FWP		✓	
Garnett Rupe	self		✓	
Janet Ellis	MT Audubon		✓	
Bruce Zeki	MWF		✓	
Sam Miladragovich	MSA/Skyline		✓	
Chuck Denowh	UPOM	X		
Nicole Rolf	MFBF	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register
SENATE FISH AND GAME COMMITTEE

Tuesday, February 12, 2013
SB 249 - Revise laws related to wildlife management
Sponsor: **Sen. Debby Barrett**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
JOHN BOTZLEEN	RCSA - MSA - L.R.I.G		✓	
Janet Ellis	MT Audubon		✓	
George Golie	MWF		✓	
Betty Jakes Doucette	NAFWP		X	
Ross Prosperi	MCV		X	
Sam Wodraganczy	MSA - Skyline		✓	
Chuck Denowh	U Pum	X		
Nicole Rolf	MFBF	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Mr. Chairman and Members of the Committee-

My name is Joelle Selk, and I am President of the MBA Board of Directors. I am unable to attend the hearing so I am sending written testimony to cover several important points.

Since the late 1980s, technological advances in bows and arrows have challenged the bowhunting community in maintaining fair-chase standards for legal archery equipment. Throughout the 1990s, the FWP Commissioners were asked to allow numerous additional devices in the name of "making bowhunting better." The attached historical timeline is instructive in showing the strife which plagued bowhunters for years, and which is re-emerging in recent legislative sessions. I provide this historical perspective because we so quickly forget the path we've walked, and often, the answers are clearer when viewed from a historical perspective.

Throughout the struggles to determine what equipment is truly essential to ethical bowhunting, not that much has changed in terms of the actual hunting. Bowhunting requires discipline, maturity, woodsmanship, and persistence in tracking and recovering animals. All of those qualities are far more important to ethical bowhunting than finding the "perfect" piece of technology. In fact, the recent push for electronic equipment fosters a misguided message that bowhunters cannot be effective without continually advancing technology.

One of the arguments which the proponents of lighted nocks use is that bowhunting needs additional technology because it has a bad track record in terms of wounding and recovering animals. They cite a wounding figure of about 50%. The studies they present invariably report very small sample sizes or have questionable validity due to substandard methodology. In contrast, the most valid studies show a wounding rate at a maximum of 13-18% (Camp Ripley study by Krueger, et. al. and Indian Head study by Pedersen, et. al.). One of the related findings of Pedersen's study was that there was no difference in deer recovery metrics between compound bow and crossbow users (Pedersen, p. 31). Based upon these findings, it appears there is no advantage in allowing increased technology in order to reduce wounding rates.

As an organization, we carefully consider all of the various impacts which equipment has on our seasons, and guide our membership towards actions which serve the best interests of bowhunting. We believe allowing this exception to the statute is not in the best interests of bowhunting. We urge you to vote no on HB26.

Thank you,

Joelle Selk

Joelle Selk
President
Montana Bowhunters Association

Attachments: History of MBA Involvement with Equipment Regulations
Camp Ripley study by Krueger, et. al.
http://bowhuntersofutah.net/phocadownload/Miscellaneous/wendy%20krueger%20wounding%20study.pdf
Indian Head study by Pedersen, et. al. http://www.marylandqdma.com/files/Download/Pedersen-31-34.pdf

MBA Equipment Timeline

1984 - Defeated bill allowing crossbows during the archery season.

1989 - Defeated an either/ or bill during the legislative session. The bill would have required hunters to choose a rifle or bow exclusively during the season.

1993 - MBA survey showed majority of respondents in favor of the adoption of a state broadhead law.

1994 - Members voted their support in favor of a broadhead law. Western Bowhunting Conference reported that 9 of 13 western states have a broadhead law.

1995 - Defeated bill allowing crossbows during the archery season.

1996 - FWP Commission reported on newly adopted rules prohibiting artificial light and electronics on bows, bow sights, and arrows during bow season. Electronic aids used in the taking or locating of game and transceiver used to located arrows are prohibited under this rule. The commission adopted a rule defining a broadhead. The Pope & Young Club upheld its long standing rule limiting let-off of compound bows to 65% and adopted a new ruling that defined bows for the purpose of entering a harvested animal in their records program.

1998 - Equipment discussion intensified due to the introduction of the Accu-Rest bow and dart it was capable of shooting. In the fall of 1998, the MBA submitted a tentatives proposal defining a legal hunting arrow. In the winter of 1998, the Accu-rest bow issue prompted an earnest dialog on potential negative impacts to bowhunting from unbridled technological advances in archery equipment. Discussion focused on the Pope & Young Club's definition of a hunting bow.

1999 - The Commission adopted the MBA's arrow definition into the regulations. The MBA Tentatives Committee reported to the MBA membership on Commission Chairman Stan Meyers' concerns regarding bowhunter reliance on technology taking the place of skill and persistence:

Stan Meyer: "If technology markedly improves archer's effectiveness, the season will have to be more restrictive."

Tim Mulligan: "We seem to be constantly behind the technology curve and it is my desire to put rules in place to keep bowhunting primitive by keeping technology at bay."

Charlie Decker: "Every time we set a season, we have a new gadget to contend with. Archers are getting better as the equipment gets better. Since you are having an impact, there may be changes coming down the pike."

Darlyne Dascher: A line on technology must be drawn if bowhunters want to maintain their liberal seasons."

Dave Simpson: "The net results is that today's archers, in addition to being more numerous, are more effective hunters than in years past when archery harvest was in fact inconsequential from a game management standpoint. It is therefore inevitable that there will be more restrictions imposed on archery hunting, whether in terms of season structure, equipment, or both."

Summer 1999: The Commission informs the MBA they have grown tired of dealing with new single equipment concerns each year in the tentatives process. The Commission indicates their awareness that technology advancements are not going to stop and this puts bowhuntrers at risk of losing bowhunting opportunity if the issue isn't addressed. The Board votes to draft a proposal that will define archery equipment. In the fall of 1999, a MBA member survey showed 92% of respondents supported a tentatives proposal for adoption of the P&Y equipment definition as Montana's bowhunting equipment standard. The Commission formed an Elk Archery Working Group to address the issue of archery equipment and its impact on the primitive nature of archery hunting.

2000 - The Archery Elk Working Group endorsed the MBA's equipment proposal, except they supported 80% let-off in favor of 65%. The MBA took an active role in the legislative session and supported legislation outlawing motion tracking devices, thermal imaging devices, and satellite devices used for hunting purposes. In the summer of 2000, the Commission passed the MBA's equipment recommendations.

2002 - Adoption of Permit To Modify Archery Equipment (PTMAE), providing accommodations for persons with disabilities to modify archery equipment.

2003 - Defeated bill allowing crossbows during the archery season.

2009 - Defeated bill allowing crossbows during the archery season.

2011 - Defeated bill allowing lighted nocks during the archery season.

Camp Ripley - Study documents bowhunter's effectiveness

An exhaustive study shows a much lower loss rate for bowhunters than previously guessed.

CAMP RIPLEY, Minn. "Aspects of Wounding of White-tailed Deer by Bowhunters," may not sound like a page-turner to most readers. But the conclusion that participants in an annual hunt recover 87 percent of the deer they shoot could hardly be more interesting to those who hunt deer with bow and arrow. It's also encouraging to those who have hopes for bowhunting as a safe, effective tool for controlling deer populations around urban areas.

The study, conducted in 1992 and 1993, found that 87 percent of deer hit by bowhunters were recovered. This recovery rate is significantly higher than previous estimates, many of which were made without the benefit of data gathered by rigorous scientific methods.

Wendy J. Krueger, the author of the report, is a wildlife biologist with the Minnesota Department of Natural Resources. The study consisted of three parts.

The first part consisted of interviews with more than 6,000 hunters who took part in two-day archery deer hunts in 1992 and 1993 at the 53,000-acre Camp Ripley Military Reservation along the Mississippi River near Brainerd, Minn. Those hunts lent themselves to the project, since participating hunters were required to check in at the start and end of each day.

Hunters were interviewed as they left Camp Ripley after each day's hunt, so memories were still fresh in their minds. They were asked where they had hunted, whether they had shot deer, if they had hit but not recovered deer, how many wounded deer they had seen and other questions.

The second part of the study involved using a helicopter equipped with an infrared-sensitive video camera to locate any downed deer immediately after the hunts. In the third and final part of the study, crews conducted ground searches immediately after each hunt and the following year to locate unrecovered deer and determine how they died.

Krueger found that 72.3 percent of hunters who reported shooting deer retrieved their kills and brought them to check stations. The remaining 27.7 percent of deer reported shot fell into the following categories:

--Substantiated deer hits, in which the hunter found direct evidence of a hit, such as blood or hair on the arrow or ground or saw a wound or arrow in the deer. These accounted for 19.3 percent of total deer hits.

--Claimed deer hits, in which the hunter reported shooting a deer that was retrieved by another hunter. These accounted for 7.5 percent of total deer hits. Interestingly, examination of deer brought to check stations showed a number of deer equal to 8.5

percent of the total number of deer reported hit were "prior hits," meaning they actually had been shot by more than one hunter. Post-hunt follow-up confirmed that 45 to 50 percent of deer reported shot but not retrieved were soon retrieved by other hunters.

--Presumed deer hits, in which the hunter could cite no physical or visual evidence to support the belief that the deer was hit 1 percent.

Researchers checked on as many wounded deer as possible. When they were finished, only 13 percent of the deer reported shot remained unaccounted for. Some of those deer probably died from severe arrow wounds, while others undoubtedly recovered from superficial wounds. Other deer included in the 13-percent loss rate may represent deer that were missed cleanly or reported shot by more than one hunter.

This figure contrasts sharply with anti-hunting groups' claims of much higher bowhunting losses. Some of these groups have calculated "wounding" figures by assuming that every arrow fired by an archer wounds a deer. Krueger said that even if she had used this assumption in her study, the loss rate would have been only 30 to 40 percent. She said she finds it difficult to understand the basis for claims of 50- to 80-percent "wounding" rates claimed by some anti-hunting groups. She said she hopes the careful definition of terms and detailed data in her study will provide a rational basis for discussion of the subject.

However, she is quick to note that every hunting situation is different, and bowhunting loss rates could differ significantly under different circumstances. Studies conducted in areas with different deer populations, hunting pressure and hunting regulations over a longer period will continue to shed light on bowhunters' effectiveness compared to firearms hunters and the usefulness of bowhunting as a tool for managing deer populations in areas where firearms hunting is impractical.

Krueger conducted the study as part of her work toward a master of science degree from West Virginia University at Morgantown, W.V. Funding for the study came from the Archery Manufacturers Organization and other pro-bowhunting groups and individuals. Krueger sought funding for her peer-reviewed study from anti-hunting groups to ensure balance and credibility, but found those groups declined to participate.

Wounding Rates of White-tailed Deer with Modern Archery Equipment

M. Andy Pedersen,[1] *9730 Ironsides Road, Nanjemoy, MD 20662*

Seth M. Berry, *Natural Resources Office, Naval Support Facility Indian Head, Indian Head, MD 20640*

Jeffery C. Bossart, *Environmental Program Manager, Naval Support Activity South Potomac, Naval Support Facility Indian Head, Indian Head, MD 20640*

Abstract: We determined wounding rates of white-tailed deer (*Odocoileus virginianus*) by bowhunters using modern (compound bow and crossbow) archery equipment. Our study relied on daily reports submitted by bowhunters who participated in managed hunts at the Naval Support Facility Indian Head at Indian Head, Maryland. Bowhunters were required to pass the International Bowhunter Education Program and an annual pre-season shooting proficiency test. During the 1989–2006 hunting seasons, 104 bowhunters failed to recover 162 of 908 deer hit by arrows or crossbow bolts, corresponding to an 18% wounding rate. There was no difference in deer recovery metrics between compound bow and crossbow users ($\chi^2_1 = 0.01$; $P = 0.92$). Bowhunters who harvested the most deer (>20 deer per hunter) had a lower pooled wounding rate than bowhunters who killed fewer deer ($\chi^2_1 = 22.2$; $P < 0.005$). Based on our estimates, qualified bowhunters were able to recover 1 deer for every 1.4 shots using modern archery equipment.

Key words: accuracy, bowhunting, Indian Head, white-tailed deer, wounding

Proc. Annu. Conf. Southeast. Assoc. Fish and Wildl. Agencies 62:31–34

Deer wounding rates are an issue whenever bowhunting is considered for managing white-tailed deer (*Odocoileus virginianus*) populations. As more organizations and communities consider bowhunting as an alternative in non-traditional and urban settings, accurate estimates of wounding rates by bowhunters using either compound bow or crossbow archery equipment are important to support management decisions. Recent studies on deer wounding rates by archers were based on short and/or intense hunting programs (Kilpatrick and Walter 1999, Krueger et al. 2002); were based on the use of traditional (recurve or long bow) archery equipment (Ditchkoff et al. 1998); or were incidental to the hunting program, such as Suchy et al. (2002) who recorded only four years of wounding rate data for a seven-year, urban area program. Our goals were to determine deer wounding rates and shot accuracy of bowhunters who used modern archery equipment in a managed hunting program that has been in effect for over 18 years.

Study Area

The Naval Support Facility Indian Head (NSFIH) is located about 30 miles south of Washington D.C. in Charles County, Maryland. The NSFIH encompasses approximately 1416 ha with 26 km of shoreline on three separated peninsulas on or near the Potomac River. The land includes mowed and early successional fields, wildlife plots, tidal and non-tidal wetlands, and broken tracts of woods. The Naval Surface Warfare Center Indian Head Division (NSWCIHD) at Indian Head and the Naval Explosive Ordnance Disposal Technology Division on the Stump Neck Annex are organizations that occupy two of the major peninsulas, 813 ha and 445 ha respectively, where hunting was permitted.

In 1983, spotlight surveys estimated the deer herd on NSWCIHD at about 700 deer, or 86 deer per km^2. Woodlots exhibited a severe browse line and an open understory as a consequence of the high deer density. U.S. Navy sharpshooters reduced the deer population over the next several years. The Natural Resources Office (NRO) then initiated a deer management program in 1989 that relied on bowhunting as the primary means for long-term population control. A memorandum of understanding between NRO and Maryland Department of Natural Resources (DNR) facilitated annual exemptions from the Maryland regular season bag and possession limits for white-tailed deer.

The NSFIH allowed primarily civilian employees and military personnel to bowhunt. Bowhunting occurred throughout the 4.5-month Maryland archery season except during rain. Bowhunting was confined to designated areas (averaging 16 ha) and isolated sites (90 m in diameter) with time-of-day and hunter quota restrictions. In 1992, the NRO established an earn-a-buck incentive program and antler restriction harvest regulations to promote doe harvest and improve the quality of available bucks.

Bowhunters passed the International Bowhunter Education Program, and an annual pre-season shooting proficiency test.

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